

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 14TH JUNE 2007 / 24TH JYAISHTA 1929

OP.No. 22795 of 2000(L)

PETITIONER:

**ROSAMMA, W/O. SAMKUTTY,
AGED 37, PATTARETHU HOUSE,
KOMPANOLY, KUMARAMPEROOR
SOUTH MURI, VADASSERIKKARA VILLAGE,
PATHANAMTHITTA DIST.**

BY ADV. SRI.V.PHILIP MATHEW

RESPONDENTS:

- 1. STATE OF KERALA,
REP. BY ITS CHIEF SECRETARY, GOVT. SECRETARIAT,
THIRUVANAMTHAPURAM.**
- 2. KERALA STATE POLLUTION CONTROL BOARD,
THIRUVANAMTHAPURAM, REP. BY ITS SECRETARY.**
- 3. GEOLOGIST, DEPARTMENT OF MINING AND GEOLOGY,
REGIONAL OFFICE, PATHANAMTHITTA.**
- 4. DISTRICT COLLECTOR, PATHANAMTHITTA.**
- 5. REVENUE DIVISIONAL OFFICER, THIRUVALLA.**
- 6. DISTRICT MEDICAL OFFICER, PATHANAMTHITTA.**
- 7. DEPUTY CHIEF CONTROLLER OF EXPLOSIVES,
KERALA REGIONAL OFFICE, ERNAKULAM.**

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- 8. VADASSERIKKARA GRAMA PANCHAYATH,
REP. BY ITS SECRETARY, VADASSERIKKARA,
PATHANAMTHITTA.**
- 9. MRS. ANNIE, PRESIDENT, VADASSERIKKARA
GRAMA PANCHAYATH COMMITTEE, VADASSERIKKARA,
P.O., PATHANAMTHITTA.**
- 10. SUPERINTENDENT OF POLICE, PATHANAMTHITTA.**
- 11. CIRCLE INSPECTOR OF POLICE, RANNI.**
- 12. K.J. THOMAS KUTTY, PROPRIETOR,
M/S. MODERN ROCK MINING INDUSTRY,
NOW RESIDING AT KANNAMTHANAM HOUSE,
VADASSERIKKARA, PATHANAMTHITTA.**
- 13. MR. AYYAPPAN, SECRETARY,
VADASSERIKKARA GRAMA PANCHAYAT,
PATHANAMTHITTA.**

**R12 BY ADV. SRI.BECHU KURIAN THOMAS
SRI.PRAKASH PUTHIADAM
SRI.CHERIAN GEEVARGHESE
SRI.SAJEEV KUMAR K GOPAL (ADV. COMMISSIONER)
SRI.BABU JOSEPH KURUVATHAZHA,SC,POLU.C.
GOVERNMENT PLEADER SMT. K.R.DEEPA**

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 14/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

OP NO. 22795/2000 L

ORDER ON CMP NOS. 38342/2000 AND 38343/2000 IN OP NO. 22795/2000 L.

DISMISSED

14/06/2007.

SD/- KURIAN JOSEPH, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE CIRCULAR DT. 25/10/98 BY THE R1.

EXT.P2. COPY OF THE DECISION TAKEN BY THE R8 IN ITS MEETING HELD ON 13/12/99.

EXT.P3. COPY OF THE LETTER DT. 14/12/99 COMMUNICATING THE DECISION OF EXT. P2 TO R12.

EXT.P4. COPY OF THE ORDER DT. 17/12/99 IN CMP NO. 54340/99 IN OP NO. 31940/99.

EXT.P5. COPY OF THE REPRESENTATION DT. 16/12/99 TO R4.

EXT.P6. COPY OF THE REPRESENTATION DT. 17/12/99 BEFORE THE R10.

EXT.P7. COPY OF THE REPRESENTATION BEFORE THE R5.

EXT.P8. COPY OF THE REPRESENTATION BEFORE THE R10 DT. 28/12/99.

EXT.P9. COPY OF THE REPRESENTATION TO R11.

EXT.P10. COPY OF THE NOTICE DT. 18/1/00 BY R5.

EXT.P11. COPY OF THE ORDER DT.8/3/00 BY R4.

EXT.P12. COPY OF THE LICENCE GRANTED TO R12 BY THE R13 DT. 24/4/00.

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EXT.P13. COPY OF THE PRAYER PORTION IN OP NO. 8141/00.

EXT.P14. COPY OF THE JUDGMENT IN OP NO. 8141/00.

EXT.P15. COPY OF THE MINUTES OF THE MEETING CONDUCTED ON 20/5/00 PARTICIPATED BY R3, R5, R11 AND MEMBERS OF THE POLLUTION CONTROL BOARD, BY DY. SUPERINTENDENT OF POLICE, THIRUVALLA TAHSILDAR, RANNY ETC.

EXT.P15A. COPY OF THE PRAYER PORTION OF THE OP NO. 17805/00.

EXT.P16. COPY OF THE AFFIDAVIT FILED BY ADV. N.K. SIVANKUTTY.

EXT.P17. COPY OF THE AFFIDAVIT FILED BY SRI.T C. ALEX.

EXT.P18. COPY OF THE STATEMENT FILED ON BEHALF OF THE R4 AND R5 IN OP NO. 8141/00.

EXT.P19. COPY OF THE CERTIFICATE DT. 13/07/94 BY THE R6.

EXT.P20. COPY OF THE DT. 14/08/92 BY THE R2.

EXT.P20A. COPY OF THE FIR IN CRIME NO. 348/99 BY THE RANNI POLICE.

EXT.P21. COPY OF THE ACCIDENT CUM WOUND CERTIFICATE DT. 7/2/95.

EXT.P22. COPY OF THE AFFIDAVIT SWORN BY T.C. ALEX, MEMBER, WARD NO. IV, VADASSERIKKARA GRAMA PANCHAYAT.

EXT.P23. COPY OF THE AFFIDAVIT SWORN BY MR. SIVANKUTTY N.K., MEMBER, WARD NO. V, VADASSERIKKARA GRAMA PANCHAYAT.

EXT.P24. COPY OF THE LETTER DT. 14/08/92 BY THE R2.

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RESPONDENT'S EXHIBITS/ANNEXURES

EXT.R2A. COPY OF THE NOC NO. PCB/NOC/68/92 DT. 26/3/92 BY THE 2ND RESPONDENT.

EXT.R2B. COPY OF THE CONSENT RENEWAL ORDER NO. PCB/PA/A/002/96 DT. 11/08/00 BY THE 2ND RESPONDENT.

EXT.R12A. COPY OF THE AGREEMENT DT. 24/2/00.

EXT.R12B. COPY OF THE ABSTRACT OF PAGES 1 & 2 OF THE LICENSE IN FORM 22 ISSUED TO THE SAID P.J. JOSEPH.

EXT.R12C. COPY OF THE BLASTER CERTIFICATE.

EXT.R12D. COPY OF THE SHORT FIRERS PERMIT.

EXT.R12E. COPY OF THE CERTIFICATE BY THE R7.

EXT.R12F. COPY OF THE CONSENT RENEWAL ORDER DT. 11/08/00 BY THE R2.

EXT.R12G. COPY OF THE QUARRYING PERMIT NO. 145/2000-01/QP/MM/MS/723/DOPTA/M/2000 DT. 31/7/00.

EXT.R12H. COPY OF THE PANCHAYAT LICENCE DT. 24/4/00

EXT.R12(I). COPY OF THE LICENCE DTD. 11/08/00 TO THE PETITIONER FROM THE PANCHAYAT.

EXT.R12J. COPY OF THE ORDER OF STAY IN CMP NO. 32545/00 IN OP NO. 17805/20

EXT.R12K. COPY OF THE CORRECT RELIEF PORTION IN OP NO. 17805/2000.

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EXT.R12(L). COPY OF THE PLANT FILED IN OS NO. 276/99 ON THE FILES OF THE MUNSIFF COURT, RANNI.

EXT.R12(M). COPY OF THE CIRCULAR DT. 12/10/92 BY THE KERALA STATE POLLUTION CONTROL BOARD.

ANNEXURE 1: COPY OF THE PLAN ATTACHED TO THE QUARRYING PERMIT.

True copy

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KURIAN JOSEPH, J.

O.P.No.22795 of 2000

Dated this the 14th day of June, 2007

JUDGMENT

Petitioner approached this court aggrieved by the alleged unauthorised conduct on the part of the 12th respondent in conducting a quarry and a crusher unit. According to the petitioner the activity is conducted without paying the dues to the Government. It is also submitted that there is no licence. Learned counsel for the 12th respondent submits that he had received the licence in the meanwhile.

In the above circumstances this writ petition is disposed of making it clear that in case the petitioner has still any grievance left, it will be open to the petitioner to bring the same to the notice of the 3rd and 8th respondents in which case appropriate action in accordance with law with notice to the petitioner and the 12th respondent will be taken within another four months.

(KURIAN JOSEPH, JUDGE)

ahg.

KURIAN JOSEPH, J.

O.P.NO.22795/2000

JUDGMENT

14th June, 2007